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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,106	07/09/2003	Masaru Aiso	393032039100	2612

7590 07/03/2007
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EXAMINER

FAULK, DEVONA E

ART UNIT	PAPER NUMBER
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2615

MAIL DATE	DELIVERY MODE
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07/03/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/617,106	Applicant(s) AISO ET AL.	
	Examiner Devona E. Faulk	Art Unit 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3,5,7 and 9-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3,5,7 and 9-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 3/19/2007 have been fully considered but they are not persuasive.
2. The applicant has amended the claims.
3. The applicant essentially asserts that prior Suzuki fails to disclose that the level control section performs control to move a respective position of each of other said operator in the one group, set to an opposite direction from the operated operator, in an opposite direction". The examiner asserts that Suzuki does disclose a setting section that individually sets each of the operators to a forward or reverse operational direction and the that the level control sections controls the operators set to the same operational direction as a moved operator to move in the same direction and controls the operators set to the opposite direction to move in the opposite direction (Figure 5; column 4, lines 25-60, specifically lines 34-38 disclose that when one fader operator of a group is moved than another fader of the same group is displaced in the same direction while another fader in the same group is displaced in the opposite direction).
4. Claims 1-2,4,6,8,are cancelled.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3,5,7,9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (US 5,054,077) in view of Kohyama et al. (US 6,985,595).

7. Claims 3,5 and 7 share common features.

Regarding claim 3, prior art Susuzki discloses a level adjustment apparatus including a plurality of operators each operable in both a level increasing direction and a level decreasing direction (Figures 1 and 5), said level adjustment apparatus comprising:

a grouping section that individually sets each of operators, selected from among said plurality of operators, to a forward or inverse operational direction, and groups the selected operators into one or more groups (faders 31-33; switching unit 54 which selects between a single or group operational mode; column 4, lines 25-64; specifically lines 34-38 disclose that when one fader operator of a group is moved than another fader of the same group is displaced in the same direction while another fader in the same group is displaced in the opposite direction) ; and

a level control section that, when any one of said operators in one of the groups is operated in a particular direction, performs control to actually move a respective position of each of other said operator in the one group, set to a same operational direction as the operated operator, in a same direction as the particular direction in which the one operator is operated, and performs control to actually move a respective position of each of other said operator in the one group, set to an opposite operational

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direction from the operated operator, in an opposite direction from the particular direction (faders 31-33, fader operators 40 and switching unit 54 which selects between a single or group operational mode; column 4, lines 25-64; specifically lines 34-38 disclose that when one fader operator of a group is moved than another fader of the same group is displaced in the same direction while another fader in the same group is displaced in the opposite direction);

an operation direction display section that displays respective operational directions of said operators set via said grouping section (Figure 5,; the faders themselves form a display).

Suzuki discloses a display section. Suzuki fails to disclose a grouped state display section that displays respective grouped states of said operators grouped by said grouping section. Kohyama discloses a display section that displays respective states of said operators (Figure 6; column 6, lines 3-12, indicator units 28-1-28-8). The examiner takes official notice that programs or instructions can be written such that a display can display whatever the user wants displayed. It would have been obvious to modify Suzuki as modified by Kohyama so that the display would indicate group states in order to provide more information visibly to the user.

Claims 5 and 7 are rejected with Suzuki as modified by Kohyama as applied to claim 3 above.

All elements of claims 9-11 are comprehended by the rejection of claims 3, 5 and 7.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devona E. Faulk whose telephone number is 571-272-7515. The examiner can normally be reached on 8 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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